

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

Daniel E. Hall, Plaintiff,  
v.  
Twitter Inc., Defendant.

**Case No. 1:20-cv-536-SE**

**PLAINTIFF'S RULE 10 MOTION TO CORRECT AND MODIFY RECORD**

1. Respectfully, Plaintiff motions this District Court under Federal Rule 10(e), to correct and modify the current certified record, [1] [2], as it incorrectly reflects the record of this case. As the Plaintiff has appealed all Orders [3] of the District Court, he respectfully requests that the clerk assemble and forward a single record or supplemental record under Federal Rule 11(a), to the First Circuit Court of Appeals, to include;

(A) all orders of the court;

(B) the original papers and exhibits filed in the district court; Fed. Rule. 10(a);

(C) a certified copy of the docket entries prepared by the district clerk.

2. To date, the record of appeal is incomplete as much of the material evidence, original papers such as orders of the court, Plaintiff's motions to the court, and exhibits were left out of the certified record. If left as it is today, the Plaintiff's substantial due process rights to appeal will be violated.

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[1] Doc. 146- Documents numbered: 139, 140, 144-146 on 7/6/2023

[2] Doc. 149- Filing Fees Paid on 7/24/2023

[3] Doc. 144- "to include any and all other interlocutory or post orders contained within said docket.

**(A). Orders of the District Court**

3. 06/03/2020- ENDORSED ORDER. Text of Order: No pretrial conference will be scheduled until after resolution of the pending [Motion]. Given the issues raised in the motion, the court finds good cause to extend the deadline for issuing the scheduling order pursuant to Fed. R. Civ. P. 16(b) to after the rescheduled pretrial conference. So Ordered by Magistrate Judge Andrea K. Johnstone.(lw) (Entered: 06/04/2020)

4. 07/08/2020 ENDORSED ORDER denying 1 Motion for Entry of Default. Text of Order: Denied. So Ordered by Judge Steven J. McAuliffe.(lw) (Entered: 07/08/2020)

5. 07/08/2020 ENDORSED ORDER denying .8. Motion for Entry of Default Judgment. Text of Order: Denied. So Ordered by Judge Steven J. McAuliffe.(lw) (Entered: 07/08/2020)

6. 08/03/2020 ENDORSED ORDER granting 22 Motion for Leave to File Reply in Support of Motion for Admission Pro Hac Vice. Text of Order: Defendant's motion (Doc. No. 22) for leave to file a reply to the plaintiffs objection to the defendant's pro hac vice motion is GRANTED. Within 48 hours counsel shall electronically refile the pleading attached to the Motion for Leave to File using the appropriate event in CMECF. So Ordered by Magistrate Judge Andrea K. Johnstone. Miscellaneous Deadline set for 8/6/2020.(lw) (Entered: 08/04/2020)

7. 08/13/2020 ENDORSED ORDER denying 39 Motion for Reconsideration. Text of Order: Denied. So Ordered by Judge Steven J. McAuliffe.(lw) (Entered: 08/13/2020)

8. 08/17/2020 ENDORSED ORDER granting 51 Motion to Extend Time to Object/Respond re 45 Motion for Rule 5.1 Motion and MOL Challenging the Constitutionality of Title 47 USC Code § 230 to September 19, 2020 -- Request for Expedited Treatment. Text of Order: Granted. So Ordered by Magistrate Judge Andrea K. Johnstone. Follow up on Objection on 9/21/2020. (lw) (Entered: 08/17/2020)

9. 08/18/2020 ENDORSED ORDER granting 47 Motion for Leave to File Objection and MOL to Twitter Inc.'s Reply to Plaintiffs Objection to Motion for Admission Pro Hac Vice. Text of Order: Granted. So Ordered by Magistrate Judge Andrea K. Johnstone.(lw) (Entered: 08/18/2020)

10. 08/19/2020 ENDORSED ORDER granting 2. Motion for Julie E. Schwartz to Appear Pro Hac Vice. Text of Order: Granted. Local counsel shall comply with all obligations required by L.R. 83.2(b) absent order of the court. So Ordered by Magistrate Judge Andrea K. Johnstone.

11. 08/19/2020 ENDORSED ORDER granting 49 Rule 15 Motion to Amend Motions or Objections Where Leave was Required. Text of Order: Plaintiff has filed a motion (Doc. No. 49) asking the court to except his previous filings, docketed as Document Nos. 28, 34, and 36, from LR 7.1(a)(3), which requires a filer to seek leave of court prior to filing a memorandum if the memorandum exceeds the page limits set forth in that rule. To the extent the plaintiff was required to seek leave of court under LR 7.1 ( a)(3) before filing Document Nos. 28, 34, and 36, the plaintiff's motion (Doc. No. 49) is GRANTED and the court waives that requirement for

those three filings. Plaintiff is on notice that he must comply with this court's Local Rules in the future. So Ordered by Magistrate Judge Andrea K. Johnstone.(lw) (Entered: 08/19/2020)

12. 08/19/2020 ENDORSED ORDER denying in part and granting in part 41 Motion to Clarify Record. Text of Order: Plaintiff has filed a Motion to Clarify Record (Doc. No. 41) seeking leave to file new copies of documents docketed in this case as Doc. Nos. 1, 1-2, 1-3, 35, and 35-1, which he alleges are currently difficult to read, with an electronic formatted file to be e-mailed directly to the Clerk for re-posting. Doc. No. 41, at 1. Plaintiff is not an electronic filer in this court and thus may not file documents electronically, including by email to the Clerk. Plaintiff may conventionally file new copies of the documents in an electronic format, such as a CD or flash drive. Accordingly, the motion (Doc. No. 41) is DENIED to the extent he seeks to file any document by email and GRANTED to the extent the court will accept a conventionally filed document in an electronic format. So Ordered by Magistrate Judge Andrea K. Johnstone.(lw) (Entered: 08/20/2020)

13. 08/27/2020 54 ORDER denying 15 Motion to Proceed Anonymously; denying 5 Motion to Declare Twitter a Public Accommodation Under Law and Brief and Memorandum in Support; denying~ Motion to Declare Twitter a "State Actor" Under Law and Brief and Memorandum in Support; denying 16 Motion to Declare Twitter's Computer Network a Public Forum Under Law; denying 42 Motion for Judicial Notice; granting 24 Motion to Stay Proceedings. On or before September 17, 2020, plaintiff shall file a sworn affidavit in this court revealing his true identity, whereupon the case caption will be amended accordingly. Until the court: (a) issues its order on defendant's pending motion to dismiss, or (b) solicits briefing from the parties, or (c) authorizes additional filings, neither party shall file any additional papers, pleadings, notices, or motions with the court, except as necessary on an emergency basis and only with prior leave of the court (that is, by way of first seeking, and obtaining, leave to file). Failure to comply with this order may expose the violator to an order imposing costs and legal fees. So Ordered by Judge Steven J. McAuliffe.(lw) (Entered: 08/27/2020)

14. 08/28/2020 ENDORSED ORDER denying as moot 37 Motion to Strike 35 Reply to Objection to Motion. Text of Order: Defendant's motion (Doc. No. 37) to strike the plaintiffs reply (Doc. No. 35) to the defendant's objection (Doc. No. 26) to the plaintiffs motion to declare Twitter 's computer network a public forum (Doc. No. 16) is DENIED as moot, as the court has denied the plaintiff's underlying motion. See Aug. 27, 2020 Order (Doc. No. 54). So Ordered by Magistrate Judge Andrea K. Johnstone.(lw) (Entered: 08/28/2020)

15. 08/28/2020 ENDORSED ORDER denying as moot 48 Motion for Leave to File Reply and MOL to Defendant's Objection to Motion for Reconsideration. Text of Order: Plaintiff's motion (Doc. No. 48) for leave to reply to the defendant's objection (Doc. No. 43) to the plaintiff's motion for reconsideration (Doc. No. 39) of the court's July 8, 2020 Order denying the plaintiffs motion for default (Doc. No. 7) is DENIED as moot, as the court has denied the motion for reconsideration. See Aug. 13, 2020 Order. So Ordered by Magistrate Judge Andrea K. Johnstone.(lw) (Entered: 08/28/2020)

16. 08/28/2020 ENDORSED ORDER denying as moot 52 Motion for Leave to File Reply and MOL to Objection to Motion for Judicial Notice. Text of Order: Plaintiffs motion (Doc. No. 52)

for leave to file a reply to the defendant's objection (Doc. No. 50) to the plaintiff's motion for judicial notice (Doc. No. 42) is DENIED as moot, as the court has denied the plaintiff's motion for judicial notice. See Aug. 27, 2020 Order (Doc. No. 54). So Ordered by Magistrate Judge Andrea K. Johnstone.(lw) (Entered: 08/28/2020)

17. 08/28/2020 ENDORSED ORDER denying as moot 23 Motion to Strike Documents 19 and 20. Text of Order: Defendant's Motion (Doc. No. 23), seeking to strike the replies (Doc. Nos. 19 and 20) to motion to declare Twitter a public accommodation (Doc. No. 5) and to declare Twitter a "state actor" (Doc. No. 6) is DENIED as moot, as the court has denied the plaintiff's underlying motions. See Aug. 27, 2020 Order (Doc. No. 54) So Ordered by Magistrate Judge Andrea K. Johnstone.(lw) (Entered: 08/28/2020)

18. 09/14/2020 ENDORSED ORDER denying 55 Emergency Motion for Permission to File Objections and a Hearing on the Motions. Text of Order: Denied. So Ordered by Judge Steven J. McAuliffe.(lw) (Entered: 09/14/2020)

19. 09/21/2020 ENDORSED ORDER denying 56 Motion to Delay Compulsion of True Name Pending Appeal. Text of Order: Plaintiff's motion to proceed anonymously was considered and ruled upon - he was required to notify the clerk of his true identity by September 17, 2020. He failed to do so, but instead filed this motion to delay or modify the disclosure order. Plaintiff acknowledges in this motion that the disclosure order was clear and neither tentative, informal, or incomplete, and he offers no explanation for his failure to comply other than that he intends to appeal the order. This motion to delay or modify is denied. Plaintiff shall file the required disclosure on or before the close of business on Friday, September 25, 2020, or the case will be dismissed for want of prosecution. So Ordered by Judge Steven J. McAuliffe.(lw) (Entered: 09/21/2020)

20. 09/28/2020 ENDORSED ORDER - Text of Order: Plaintiff did not comply with the court's extended disclosure order but instead filed an "interlocutory" appeal on the final day allowed. As an appeal has been filed, and dismissal was inevitable for failure to comply - thus essentially a final order - this court will stay further action pending resolution of plaintiff's appeal So Ordered by Judge Steven J. McAuliffe.(lw) (Entered: 09/28/2020)

21. 10/06/2020 ENDORSED ORDER denying 61 Emergency Request for Permission to File Motion to Reconsider Endorsed Orders Calling for Dismissal of Claims. Text of Order: Denied. So Ordered by Judge Steven J. McAuliffe.(lw) (Entered: 10/06/2020)

22. 03/08/2021 ENDORSED ORDER denying without prejudice 3. Motion to Dismiss for Failure to State a Claim; denying without prejudice 14 Motion to Strike; denying without prejudice 45 Motion Rule 5.1 Motion and MOL Challenging the Constitutionality of Title 47 USC Code § 230; denying without prejudice 46 Motion for Default of Default By Clerk. Text of Order: The pending motions (docket numbers 3, 14, 45, and 46) are denied without prejudice to renewing them following resolution of plaintiff's interlocutory appeal, if appropriate. So Ordered by Judge Steven J. McAuliffe.(lw) (Entered: 03/08/2021)

23. 03/19/2021 ENDORSED ORDER denying 74 Emergency Motion to Set Aside Orders Under Rule (60)(b). Text of Order: Denied. So Ordered by Judge Steven J. McAuliffe.(lw) (Entered: 03/19/2021)

24. 04/02/2021 ENDORSED ORDER re: 73 Motion to Clarify, Parameters of the Current Stay, and to Toll Response Time; 75 Motion for Specific Findings to Clarify Order and Toll Response Time. Text of Order: Motions/or Clarification and Specific Findings (doc. nos. 73 and 75) are granted to the following extent. The referenced motions have been denied without prejudice - they are no longer pending. Should plaintiff prevail on his interlocutory appeal in a way that permits this case to go forward, plaintiff may refile those motions for consideration. (Plaintiff need not physically refile the motions but may simply file a pleading asking the court to revive the motions, which will be granted.) So Ordered by Judge Steven J. McAuliffe.(lw) (Entered: 04/05/2021)

25. 04/19/2021 ENDORSED ORDER denying 77 Motion for Leave to File Motion to Disqualify District Judge and MOL and Declaration In Support Thereof. Text of Order: Denied; This case is stayed. So Ordered by Judge Steven J. McAuliffe.(lw) (Entered: 04/19/2021)

26. 04/21/2021 ENDORSED ORDER denying 76 Motion for Reconsideration. Text of Order: Denied. So Ordered by Judge Steven J. McAuliffe.(lw) (Entered: 04/22/2021)

27. 09/15/2022 ENDORSED ORDER re: 89 Notice of Pending Appeal. Text of Order: As plaintiff has filed a motion for rehearing on appeal the deadline set for plaintiff to disclose his identity (Order, doc. 88) is stayed pending further order of the court. So Ordered by Judge Steven J. McAuliffe.(lw) (Entered: 09/15/2022)

28. 10/18/2022 ENDORSED ORDER granting 97 Motion to Participate in Electronic Filing. Text of Order: Granted. So Ordered by Judge Samantha D. Elliott.(vln) (Entered:10/18/2022)

29. 10/18/2022 ENDORSED ORDER denying 96 Motion for Leave to File. Text of Order: Denied. The court has already granted the plaintiffs motion to disqualify. Therefore, the plaintiff's motion for leave to file a reply is moot. So Ordered by Judge Samantha D. Elliott.(vln) (Entered: 10/18/2022)

30. 10/18/2022 ENDORSED ORDER denying 90 Motion for Reconsideration it's August 29, 2022 Order Requiring Compulsion of Plaintiffs True Name. Text of Order: Denied. So Ordered by Judge Samantha D. Elliott.(vln) (Entered: 10/18/2022)

31. 11/23/2022 ENDORSED ORDER denying 104 Motion for Recusal of Samantha E. Elliot ; denying 105 Motion to Move District. Text of Order: Denied. The plaintiffs motions fail to raise any cognizable legal or factual basis that would require either recusal or transfer to another district. So Ordered by Judge Samantha D. Elliott.(vln) (Entered: 11/23/2022)

32. 11/23/2022 ENDORSED ORDER granting 112 Motion for Leave to File Reply to Objection 106; granting 114 Motion for Leave to File Reply to Objection 107; granting 116 Motion for Leave to File Reply to Objection 108 ; granting 118 Motion for Leave to File Reply to Objection

109 ; granting 120 Motion for Leave to File Reply to Objection 110. Text of Order: Granted. So Ordered by Judge Samantha D. Elliott.(vln) (Entered: 11/23/2022)

33. 11/30/2022 124 ORDER. Plaintiff's motion/or leave to amend his motion/or default judgment (doc. no. 111) is granted and his motion to take judicial notice (doc. no. 122) is granted to the extent that it requests that the court take judicial notice of the existence of certain court records filed in other cases and in this case and is otherwise denied. The plaintiffs motion for a hearing on his motion for judicial notice ( doc. no. 123) is denied as moot, and his motion to strike Twitter's motion to dismiss (doc. no. 100), motion/or default (doc. no. 101), and motion/or default judgment (doc. no. 102) are denied. The defendant's motion to renew its motion to dismiss and stay other briefing (doc. no. 99) is granted. So Ordered by Judge Samantha D. Elliott.(vln) (Entered: 11/30/2022)

34. 01/03/2023 ENDORSED ORDER denying as moot 129 MOTION for Leave to File Objection to Plaintiffs Motion for Interlocutory Appeal [Doc. 125] .. Text of Order: In light of document no. 130, the defendant's motion (doc. no. 129) is denied as moot So Ordered by Judge Samantha D. Elliott.(vln) (Entered: 01/03/2023)

35. 05/03/2023 ENDORSED ORDER granting 134 Motion for Leave to File. Text of Order: Granted. Within 48 hours counsel shall electronically refile the pleading attached to the Motion for Leave to File using the appropriate event in CMECF. So Ordered by Judge Samantha D. Elliott.(vln) (Entered: 05/03/2023)

36. 05/04/2023 ENDORSED ORDER granting 136 Motion to Substitute Attorney. Text of Order: Granted. So Ordered by Judge Samantha D. Elliott.(vln) (Entered: 05/04/2023)

37. 05/04/2023 ENDORSED ORDER granting 137 Motion for Kenneth M. Trujillo-Jamison to Appear Pro Hac Vice. Text of Order: Granted. Local counsel shall comply with all obligations required by L.R. 83.2(b) absent order of the court.. So Ordered by Judge Samantha D. Elliott.

38. 05/09/2023 139 ///ORDER granting 1 Motion to Dismiss for Failure to State a Claim. So Ordered by Judge Samantha D. Elliott.(vln) (Entered: 05/09/2023)

39. 05/10/2023 140 JUDGMENT is hereby entered in accordance with 139 Order on Motion to Dismiss for Failure to State a Claim. Signed by Daniel J. Lynch, Clerk of Court. (Case Closed) (vln) (Entered: 05/10/2023)

40. 06/09/2023 ENDORSED ORDER denying 141 Motion for Reconsideration; denying 142 Motion to Vacate; denying 143 Motion to Vacate. Text of Order: Denied. So Ordered by Judge Samantha D. Elliott.(vln) (Entered: 06/09/2023)



**(B) The Original Papers and Exhibits**

41. As the above orders illustrate, many of the motions and exhibits submitted to the court by the Plaintiff and the Defendant had a bearing upon the trial court's decisions and have bearing upon this appeal. Common sense dictates that if the Appeals Court is not in possession of said orders of the court or docket entries such as the Plaintiff's Doc. 1 Complaint and attached exhibits, or Plaintiff's Motion's regarding public accommodations, state actors, and many others, that it would be a fruitless journey to not have the complete record before them so that it can make an informed decision and provide the Plaintiff's with a substantial appeal which uphold his due process rights and would not be a hollow proceeding.

**(C) A Certified Copy of Docket Entries**

42 After a new certified record or supplemental record has been created, the court should certify a new copy of the docket entries.

43. If the current "incomplete" certified record is left unchanged, the Appeals Court will have nothing substantial to refer to except a few orders of the court and the Plaintiff's substantial rights to appeal and due process rights will suffer as it will be hollow, incomplete, fruitless and a waste of time for the Appeals Court and both parties.

**Wherefore,** Plaintiff prays this Court corrects, amends or supplements the record to include all orders of the court, the original papers and exhibits filed in the district court and, a certified copy of the docket entries, so that justice may be served.

Respectfully,

/s/ Daniel E. Hall  
Aka, Sensa Verogna  
SensaVerogna@gmail.com

**CERTIFICATE OF SERVICE**

I certify that on August 14, 2023, I served the foregoing Motion upon the Defendant, through its attorney of record to Demetrio F. Aspiras, counsel of record via the Court's electronic filing system.

/s/ Daniel E. Hall